

**CHAPTER NO. 128****HOUSE BILL NO. 4089****By Representative Fitzhugh****Substituted for: Senate Bill No. 4045****By Senator Norris**

AN ACT to amend Chapter 223 of the Acts of 1901; as amended by Chapter 90 of the Private Acts of 1913, Extraordinary Session, Chapter 109 of the Private Acts of 1913, Extraordinary Session, Chapter 122 of the Private Acts of 1921, Chapter 671 of the Private Acts of 1921, Chapter 974 of the Private Acts of 1921, Chapter 657 of the Private Acts of 1923, Chapter 727 of the Private Acts of 1925, Chapter 526 of the Private Acts of 1927, Chapter 585 of the Private Acts of 1937, Chapter 179 of the Private Acts of 1949, Chapter 41 of the Private Acts of 1959, Chapter 264 of the Private Acts of 1963, Chapter 90 of the Private Acts of 1981, Chapter 138 of the Private Acts of 1988, Chapter 140 of the Private Acts of 1990, Chapter 57 of the Private Acts of 1995, Chapter 110 of the Private Acts of 1995, Chapter 130 of the Private Acts of 1996, Chapter 201 of the Private Acts of 1996, Chapter 125 of the Private Acts of 1998, and all other acts amendatory thereto, relative to the charter of the City of Ripley.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 223 of the Acts of 1901, as amended by Chapter 90 of the Private Acts of 1913, Extraordinary Session, Chapter 109 of the Private Acts of 1913, Extraordinary Session, Chapter 122 of the Private Acts of 1921, Chapter 671 of the Private Acts of 1921, Chapter 974 of the Private Acts of 1921, Chapter 657 of the Private Acts of 1923, Chapter 727 of the Private Acts of 1925, Chapter 526 of the Private Acts of 1927, Chapter 585 of the Private Acts of 1937, Chapter 179 of the Private Acts of 1949, Chapter 41 of the Private Acts of 1959, Chapter 264 of the Private Acts of 1963, Chapter 90 of the Private Acts of 1981, Chapter 138 of the Private Acts of 1988, Chapter 140 of the Private Acts of 1990, Chapter 57 of the Private Acts of 1995, Chapter 110 of the Private Acts of 1995, Chapter 130 of the Private Acts of 1996, Chapter 201 of the Private Acts of 1996, Chapter 125 of the Private Acts of 1998, and all other acts amendatory thereto, is amended by deleting such chapter, as amended, in its entirety and by substituting instead the following language to be the charter of the City of Ripley:

Section 1. The City of Ripley, in Lauderdale County, Tennessee, and the inhabitants thereof, are hereby constituted a body politic and corporate under the name and style of "The Mayor and Aldermen of Ripley." As referenced throughout herein all terms are gender neutral. The boundaries of the city shall be as provided in Chapter 223 of the Private Acts 1901, all acts amendatory thereof, and annexations made pursuant to general law.

Section 2. Said corporation by such name and style shall have perpetual succession; shall sue and be sued, plead and be impleaded in all courts of law and equity, and in all actions whatever, may purchase, receive and hold personal and real property within the corporate limits, and may purchase, receive and hold both real and personal property within or without corporate limits, to be used for the burial of the dead, for the erection and keeping up hospital houses, quarantine houses or stations, work houses, or hotels of correction, and water works, and for all other purposes that are legal

now for municipal corporations or may hereafter be, and may sell, lease or dispose of all said property for the benefit of the corporation, and may do all other things touching said property as natural persons, and shall have and use a common seal, which may be changed at the pleasure of the Mayor and Aldermen.

### Section 3.

(a) That the legislative body shall consist of a Board of seven (7) Aldermen, one (1) of whom shall be elected and known as Mayor, who shall be elected at-large by a direct vote of the people and also be a citizen of, and voter in said corporation. Two (2) Aldermen shall be elected from each of the three (3) wards, with candidates designating "Seat A" or "Seat B" within each ward as the position they intend to seek. The Aldermen must reside in the ward from which they seek election. The Mayor and six (6) Aldermen, as the legislative body of the City, shall be known as the Mayor and Aldermen of Ripley or the Board. A removal by the Mayor beyond the corporate limits or an Alderman from the ward will create a vacancy in his office.

(b) If an area is hereafter annexed, such area shall be assigned to the alderman ward or wards closest thereto. In order to assure that the wards shall be at all times as equal in population as practicable, revisions and changes of boundaries may be made; provided, however, there shall never be more than three (3) wards as heretofore set forth.

(c) Wards shall be reapportioned every ten (10) years based upon the most recent federal census; provided, however, such wards shall not exceed three (3) in number. The Mayor and Aldermen shall have prepared a redistricting ordinance providing for wards which are relatively compact, contiguous, representative of social and community interests, non-discriminatory, and as equal in population as reasonably practicable. The ordinance shall be adopted within one hundred and eighty (180) days of the publication of the national census of the State of Tennessee.

### Section 4.

(a) Subject to the provisions of Section 5, that the election for Mayor and Aldermen under this Act shall be held on the second Thursday of April every four (4) years. Said election shall be held by the same officer or officers who are authorized by the laws of the State of Tennessee to open and hold elections for members of the General Assembly. The person receiving the highest number of votes for Mayor shall be declared elected Mayor of said corporation, and shall also be one of the Aldermen, and the persons receiving the highest number of votes for Seat A and Seat B, respectively, from each of the three (3) voting wards shall be declared elected Aldermen. Said Mayor and Aldermen shall hold their offices until their successors are elected and qualified.

(b) On the first Monday after each election the retiring Board of Mayor and Aldermen shall hold their last meeting, or as soon thereafter as possible, and pass all necessary resolutions and all such rules and regulations as may be necessary to properly turn over to the incoming Mayor and Aldermen, and to secure the turning over of all books, papers, moneys and property in their

possession, or that of any of their officers, agents or appointees, to the proper officers of the new administration. At said meeting the Mayor and Aldermen-elect, or so many as are present, shall present their certificates of election and be sworn in before a judge of competent jurisdiction, which facts shall appear upon the minutes of the retiring Board, and then the term of the new Mayor and Aldermen shall begin. An officer-elect not presenting his certificate at said meeting may do so at the next regular or called meeting of the new Mayor and Aldermen and be sworn in.

(c) Before entering upon their duties of their office they shall take an oath before a judge of competent jurisdiction that they will faithfully discharge all duties of the office, and support the Constitution of the United States, and of the State of Tennessee, without which oath the office shall be vacant. In case of a contest by any of the parties interested in the returns of the election, the same shall be conducted as by law provided for election contests.

(d) Prior to the municipal election, the Mayor and Aldermen shall fix the salary of the Mayor and Aldermen for the ensuing term of office. That salary shall not be changed during the term of office.

#### Section 5.

(a) The next election for Mayor and Aldermen shall be held on the first Thursday in April, 2008, and the Mayor and Aldermen elected at that time shall serve for a period of four (4) years. Thereafter an election shall be held every four (4) years on the first Thursday in April for the purpose of electing a Mayor and Aldermen to four (4) year terms.

(b) The elections shall be conducted by the county commissioners of elections under the general election laws of the state.

Section 6. The City shall be organized into the departments of general government, police, fire, gas and water, electricity, parks and recreation, and public works. However, the Mayor and Aldermen may abolish any of those departments, may create new departments, and may combine, or consolidate or merge any present or future departments. The Mayor and Aldermen shall appoint the heads of departments, and those heads of departments shall serve at the will and pleasure of the Board. The Mayor and Aldermen may authorize the appointment of such employees to staff the departments as it deems necessary, and may prescribe their duties or delegate that function to department heads. The employees of the various departments shall be appointed by, and serve at the will and pleasure of, the department heads and the Board of Mayor and Aldermen. In addition to those officers and agents the Mayor and Aldermen are authorized elsewhere in the charter to appoint, the Mayor and Aldermen may also appoint such officers and agents as it deems necessary, and those additional officers and agents shall serve at the will and pleasure of the Mayor and Aldermen. The Mayor and Aldermen shall fix the salary and wages of all officers and employees of the City.

Section 7. The Mayor and Aldermen are empowered to appoint (but not from their own number) some suitable and capable person to be known as Recorder-Treasurer, who shall hold the office at the pleasure of the Mayor and Aldermen and

whose salary shall be fixed by the Mayor and Aldermen, and who shall have the powers, duties and liabilities as are imposed upon the Recorder and Treasurer of the City of Ripley by this Act and shall have such other and further duties and liabilities as may be prescribed and imposed upon him by the Mayor and Aldermen by ordinance or otherwise or by the further provisions of this Act. Before entering upon the duties of his office he shall take an oath to be filed in writing with the Mayor of the City to faithfully perform all the duties of his office and to do and perform all that is required of him by the Mayor and Aldermen by ordinance or otherwise. He shall execute a bond payable to the Mayor and Aldermen with security to be approved by them in such amount as the Mayor and Aldermen may prescribe, and conditioned to be void only if he shall fully and truly account for and pay over as may be required by the Mayor and Aldermen all funds of the corporation that may or should come into his hands and to faithfully discharge and perform all other duties required of him by law or the Mayor and Aldermen.

Section 8.

(a) A majority of the Mayor and Aldermen shall be a quorum to do business; provided, however, that a smaller number than a quorum may adjourn from day to day, and may compel the attendance of absent members by fines and penalties. No ordinance or resolution or other act of the Mayor and Aldermen shall be passed or become effective unless it receives a majority of the votes of the Mayor and all Aldermen in its favor. An ordinance shall be considered and adopted on at least two (2) separate days; any other form of action of the Mayor and Aldermen shall be considered and adopted on one (1) day.

(b) The Mayor and Aldermen shall be the judge of the qualifications, elections and returns of its own members and shall prescribe rules for the determinations of contested elections. In case of a tie vote or contest in the election for Aldermen, the incoming, non-contested Mayor and Aldermen shall determine who shall be seated. In the case of a tie vote in the election for Mayor, the Aldermen-elect shall meet and organize by electing one (1) of their number Mayor pro tempore, who shall for the time being perform all the duties and be subject to all the liabilities of the regular Mayor, and the Mayor and Aldermen shall refer the election of a Mayor back to the vote of the people as soon as practicable. In case of a contest in the election of Mayor on any other grounds than that of a tie vote, the Board shall, after organizing and electing a Mayor pro tempore, as above, decide as soon as practicable who is entitled to the office.

(c) The Mayor and Aldermen may determine its own rules of proceeding and prescribe the punishment of its members for nonattendance, disorderly or other improper conduct and enforce the same. Two-thirds (2/3) of the Mayor and Aldermen concurring, may expel a member for such conduct.

(d) To enable the Mayor and Aldermen to fully investigate charges against its own members or officers or other proper matters, the Mayor or Recorder, at the request of the Mayor and Aldermen, is hereby empowered to issue subpoenas and compulsory process to compel the attendance of persons and production of books and papers before the Mayor and Aldermen, or any committee of the same.

(e) Any person may prefer charges against the Mayor for misfeasance, malfeasance or nonfeasance in office, and he may be tried by the remaining Aldermen, and two-thirds (2/3) of them concurring, he may be removed from office.

(f) Vacancies in the office of Mayor or Aldermen, or other offices herein authorized, whether occurring by death, resignation, removal or otherwise, shall be filled by the Mayor and Aldermen. In the absence of the Mayor at any of its meetings the Aldermen may elect a Mayor or presiding officer pro tempore. No person shall be eligible to the office of Alderman who is not a resident of and a legal voter in said corporation election.

(g) The regular stated meetings of the Mayor and Aldermen shall be held at such times as it may determine, but special meetings may be held at any time upon call of the Mayor. A full and complete journal or minutes shall be kept of all the proceedings of the Mayor and Aldermen. The Mayor and Aldermen shall have the power to appoint all necessary standing and special committees, and fix the number of each, the committeemen being appointed by the Mayor, unless done by direct order of the Mayor and Aldermen. The character and duties of such committees shall be designated by the Mayor and Aldermen, and their mode of procedure may be directed by them.

Section 9. No person shall be elected Mayor who is not a legal voter in all City elections. A vacancy in the office of Mayor shall be filled as provided in this Act. The Mayor may fill vacancies in any office except that of Aldermen until the same is filled by the Mayor and Aldermen. It shall be the duty of the Mayor to preside at all meetings of the Mayor and Aldermen, and as a member thereof take a part in its deliberations and vote upon all questions coming up before the same; to take care that all the ordinances are duly enforced and observed; to call special sessions of the Mayor and Aldermen when he may deem it expedient, and perform such other duties as the Mayor and Aldermen may by ordinance or otherwise impose upon him. The Mayor shall at least once in every six (6) months cause to be presented to the Mayor and Aldermen a full and complete statement of the financial condition of the City, and shall from time to time communicate to the Mayor and Aldermen such information, and recommend such measures, as he may deem wise and proper. The Mayor shall have power to buy property at tax and judicial sales where the City is an interested party, and may buy property for City purposes at public or private sale; provided, however, that the purchase, in any event, must be under a special or general ordinance or resolution of the Mayor and Aldermen. In case of the absence of the Mayor, or if for any reason the Mayor is not present to discharge any duty or business of his office, then the Recorder shall have the jurisdiction and power of the Mayor, and may perform all his duties, except duties as presiding officer of the Mayor and Aldermen and its meetings, which duties shall be performed by any Alderman the Aldermen may elect pro tempore Mayor or presiding officer.

Section 10.

(a) There is hereby created a City Court for the City of Ripley which shall have exclusive original jurisdiction of all violations of municipal ordinances.

(b) There shall be a City Judge who shall hold and preside over the City Court. The City Judge shall be elected for an eight-year term by popular vote of the qualified voters of the City of Ripley. The Judge shall be:

(1) Not less than thirty (30) years of age;

(2) A resident of the State of Tennessee for five (5) years next preceding the judge's election; and

(3) A resident of the City of Ripley for one (1) year next preceding the judge's election.

(c) All elections for city judge pursuant to this provision shall be held in accordance with Article VII, Section 5 of the Constitution of Tennessee.

(d) A vacancy in the office of the popularly elected City Judge shall be filled by appointment by the Mayor and Aldermen of the City of Ripley. The person appointed, however, may serve only until the next regular August general election. At this election, a person shall be elected to serve any unexpired term if the full term is not to be filled at the election. In the temporary absence or inability of the City Judge, the Board of Mayor and Aldermen shall appoint a qualified person to serve until the Judge's return.

(e) The salary of the popularly elected City Judge shall be fixed by the Mayor and Aldermen by resolution prior to the term of office and shall not be increased nor diminished during the term. The salary shall be paid monthly from the general fund of the City of Ripley. Except as otherwise provided in this section relative to the salary of the popularly elected judge, the Mayor and Aldermen shall set the annual budget of the City Court. All fees and other emoluments which shall accrue because of services rendered by the City Judge shall be the property of and shall be paid to the City of Ripley.

(f) The City Court shall have subject matter jurisdiction concurrent with General Sessions Courts; that so far as same is applicable to the court, the Judge, and the cases within the jurisdiction of the City Court, the laws regulating the forms of process, the trial of cases, judgments, right to appeal, procedure for appeal, the collection of fines and costs, and other procedural matters, shall be the same as in General Sessions Courts.

#### Section 11.

(a) There is hereby created the office of City Court Clerk. The City Court Clerk shall be elected by the Mayor and Aldermen with recommendation made by the City Judge. The City Court Clerk may hire such assistant(s) as the Mayor and Aldermen may approve and fund.

(b) The Mayor and Aldermen shall fix the compensation of the City Court Clerk and the assistants thereto and by ordinance may prescribe additional duties to such Clerk or the assistants thereto and regulate the performance thereof.

(c) The Clerk shall have the duty to keep all of the records of the Court and shall keep a docket in which shall be entered the disposition of all cases heard by the Court. All fees and other emoluments which accrue because of services rendered by the Clerk shall be the property of and shall be paid to the City of Ripley.

(d) It shall be the duty of the Clerk to collect all fines imposed by the City Court and all costs which accrued, and pay the same to the City of Ripley.

(e) The Clerk shall have authority concurrent with the City Judge to issue warrants and other process, except those which the law requires to be issued by a judicial officer. The Clerk shall serve the City Court in all respects under the direction of the City Judge.

Section 12. The Recorder-Treasurer shall keep accurate minutes of all the proceedings of the Mayor and Aldermen, issue all merchants' and privilege licenses and collect taxes on same, and keep a ledger account of the same, as well as any other funds that may come into his hands. It shall be his duty to make out the city tax books at such times and under such rules and regulations as the Mayor and Aldermen may prescribe and shall collect the taxes as shown therein within the time provided by said Board. The Recorder-Treasurer shall make out and present as many and such reports and statements as to the finance of his office as said Mayor and Aldermen may order. He shall pay money out only upon the order of the Mayor and Aldermen, signed by the Mayor and countersigned by himself, the order to show for what purpose the money is paid. He shall do and perform any and all other acts and duties prescribed by the Mayor and Aldermen by ordinance or otherwise or which may be imposed upon him by the charter of the City of Ripley as at present existing or as may be hereafter amended or by any of the laws of the State of Tennessee.

Section 13. The Recorder-Treasurer shall receive from the collector of corporate funds, and receipt for, take care of, and keep a proper and true account of all such funds of whatever nature that may come into his hands, and for such purposes he shall keep books as the Mayor and Aldermen may direct.

Section 14.

(a) Persons entitled to vote in the corporate elections for the City of Ripley shall be those persons residing in the city limits who are otherwise qualified to vote for state and county officers. City residents shall be entitled to vote within the district or ward of the city in which they reside.

(b) Freeholders of the City of Ripley who are not residents of the city shall be entitled to vote in city elections in accordance with Tennessee Code Annotated §2-2-107(a)(3). Freeholders who have title to more than one (1) piece of property within the city limits shall vote in the district or ward in which the single parcel of highest assessed value is located.

(c) For purposes of this section, "freeholders" means persons owning a commercial lot or residential lot which is large enough to erect thereupon a dwelling or building as defined by the building and zoning ordinances of the City of Ripley, Tennessee, and excludes owners of cemetery lots.

Section 15. The Mayor and Aldermen of Ripley under this Act may:

(1) Levy and collect taxes for general corporation purposes upon all property and polls taxable by the laws of the State, the rate of taxation on property to be such an amount as the Mayor and Aldermen may provide.

(2) Levy and collect taxes for general corporate purposes upon merchants, any one or all, the privileges taxable by the laws of the State; the rate upon merchants and privileges to be such as the Mayor and Aldermen may provide.

(3) Appropriate money and provide for the payment of the debts and expenses of the corporation.

(4) Make regulations to prevent the introduction or spread of contagious diseases in the city; to make quarantine laws for this purpose, and enforce the same within two (2) miles of the corporate limits.

(5) Establish within or without the corporate limits hospitals, cemeteries, water works, poor houses, pest houses, work houses or houses of correction, or other houses or places for corporate purposes, and to make regulations for the government, improvement and keeping up the same.

(6) Make regulations to secure the general health of the inhabitants, and prevent and remove nuisances.

(7) Open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean, keep in repair streets, alleys and sidewalks, or to have or to cause the same to be done, and to convey all of the rights of the city to any altered or abolished street or alley in which the city owns the fee; and to waive the rights of the city in any altered or abolished street in which the city does not own the fee.

(8) Erect, establish and keep in repair bridges, culverts, sewers and gutters.

(9) Provide for lighting the streets, digging wells, and erecting pumps on the streets or public grounds.

(10) Provide for the erection and improvement of all buildings necessary for the use of the corporation.

(11) Provide for the enclosing, improving and regulation of all public grounds and buildings belonging to or under the control of the corporation within or without the corporate limits.

(12) License, tax and regulate merchants, peddlers and all privileges taxable by the State.



(13) Regulate or prohibit and suppress all gambling or gambling houses, bawdy houses, and all disorderly houses and obscene pictures and literature.

(14) Provide for the prevention and extinguishment of fires; to organize and establish fire companies, and to regulate the carrying on of manufactories dangerous in causing or producing fires.

(15) Regulate the storage of all combustibles, explosives or inflammable material, and to regulate or suppress the use of firecrackers or fireworks of all kinds.

(16) Establish standard weights and measures to be used in the city, and regulate their use, and appoint a sealer of standard weights and measures, unless one is appointed and acting under the provisions of existing laws.

(17) Provide for the inspection and measuring of lumber and all kinds of building material.

(18) Provide for and regulate the inspection, weighing, measuring and vending of all kinds of provender or feed, provisions, oils, whiskeys and other spirits, milk, butter, lard and all kinds of provisions, meat, poultry, fish and vegetables.

(19) To establish and regulate markets, market houses and meat houses, and establish electric lights.

(20) Impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery and appropriation.

(21) Provide for the arrest, imprisonment and punishment of all riotous and disorderly persons within the City by day or night, and for the punishment of all breaches of the peace, noise, disturbance or disorderly assemblies.

(22) Impose fines or penalties upon the owner or owners, occupants or agents of any house, wall or sidewalk, or other structure which may be considered dangerous or detrimental to the citizens, unless the same be removed or repaired after such notice be given as the Mayor and Aldermen may fix by ordinance.

(23) Regulate, tax, license or suppress the running at large of all animals within the corporate limits, to take and impound the same, and in default of redemption, in pursuance of ordinance, to sell or kill the same.

(24) Provide for the arrest and confinement, or release on appearance bond until trial, of all persons violating any of the corporate ordinances.

(25) Provide for enclosing, improving and regulating all public grounds belonging to the corporation, within or without the corporate limits.

(26) Provide for the appointment of a special police force at such times and on such occasions as the Mayor and Aldermen may determine by ordinance.

(27) Grant the right of way through or over the streets, alleys, avenues and squares of the city to street or other railroad companies or persons.

(28) Take and appropriate grounds for widening streets or parts thereof, or for laying out new streets, avenues, squares or parks when the public convenience requires it, in accordance with the general law.

(29) Pass all ordinances necessary for the health, convenience and safety of the citizens, and to carry out the full meaning of the Act and to accomplish the object of this incorporation.

(30) Condemn property or real estate either wholly within or wholly without the limits of said municipality or partly within and partly without the limits of said municipality, which may be necessary for making any public improvements such as constructing and maintaining waterworks, electric light and power plants or gas plants, ice plants, sewerage system, public parks or any other structures or improvements in or near said City of Ripley necessary or advisable for protecting and promoting the health, convenience and welfare of the people and public in said City of Ripley, Tennessee.

(31) Provide for cleaning its streets or any part thereof.

(32) Remove snow, ice, sleet, rubbish, and all obstructions from the sidewalks of the city.

(33) Make and establish a grade for its sidewalks within the corporate limits of the City, and authorizing and empowering the City to grade the bed of said walks to a level with the streets of the City where it deems it necessary to do so. The City of Ripley, Tennessee, shall not be liable for any damages to the owner or owners of any property adjoining said streets where it is necessary to grade and level same.

(34) Make and put down concrete sidewalks on its public streets within the corporate limits of the City, and to assess the owners of lots and property adjoining said streets not to exceed fifty percent (50%) of the costs of making and putting down said walks. The City of Ripley, Tennessee, shall have a lien on the lots and property adjoining such walks, not to exceed fifty percent (50%) of the costs of making and putting down said walks adjoining said property. Unless the owners of such property shall pay said municipality their pro rata part of such costs of said walk within thirty (30) days from the completion of same, then said municipality shall have the right, and it is hereby empowered and authorized, to add such lots or property for a period of twenty (20) days by five (5) or more written or printed notices or handbills, one of which shall be posted at the courthouse door in the City of Ripley. The balance shall be posted in other public places within the City limits, and the City may sell said lots or property to the highest bidder for cash for the purpose of enforcing said lien.

(35) Regulate the delivery or handling of intoxicating liquors within the City limits.

(36) Set up and adopt a pension plan for all former employees of said City and to use therefor either general funds or funds derived from the operation of public utilities owned by the City.

(37) License, tax and regulate all occupations, which are now or hereafter may be declared to be privilege occupations by the laws of the State; to license, tax and regulate all means of public conveyance, such as automobiles, cabs, wagons, and drays, which are held out to the public use for hire; to fix the rate charged for the conveyance of persons and property by such conveyance within the City, and to make all needful rules and regulations for the government of such conveyance.

(38) Levy and collect taxes upon all privileges taxable now or hereafter by the laws of the State. No such privilege tax shall be levied or collected in excess of the amount fixed by the laws of the State for taxing such privileges for State purposes.

(39) Regulate, restrain or prevent any business which may be dangerous in causing or producing fires, or any business of any character whatsoever which may be declared to be dangerous to the security and well being and moral standing of the inhabitants of the City in accordance with the general law.

(40) Regulate or prohibit or suppress theatrical and other exhibitions, shows or amusements, gambling houses, bawdy houses and obscene pictures and literature.

(41) Provide by ordinance for the punishment of persons who are guilty of cruelty to animals within the city limits and for the distance within one (1) mile of the city limits, and of assessing fines for such.

(42) Make all necessary regulations and rules to secure the cleaning up and keeping in a sanitary condition all lots, yards, and property, both public and private, of all persons within the limits of the City, and to require property owners also to cut weeds and grass on their premises and to remove same, and also to cut the weeds and grass on the streets and alleys adjoining their property and lots, and also to provide a civil penalty for the breach of any of said regulations.

(43) Have full authority to provide, establish, construct, and maintain a system of underground, sanitary, and also a surface sewer, or either, and to provide discharging tanks or points for same; and to run its sewerage lines and manholes within and also without the limits of the City, and to establish its tanks and disposing points within or without the limits of the City; and to acquire by gift, purchase, or right of eminent domain real estate of individuals or from corporations necessary for establishing all such sewers, manholes and tanks and disposing points; said power of eminent domain to be exercised in the manner now provided by law.

(44) Require by ordinance all persons owning or controlling property adjacent to streets or alleys on which sewer lines run, or adjacent to sewer lines elsewhere, to connect such lateral or nearby sewers by proper sanitary connections, and all persons in such adjacent property or near such other sewers

shall have the privilege of making connections thereof of the character such sewerage was intended. The expense of all connections with said sewers shall be paid by the property owner or controller making the connection and shall be paid prior to so doing. Also to have the authority to require all property owners and users or controllers to have all plumbing and water connections and all sewer work, connections, and constructions made in the most scientific and sanitary manner; and with full authority to prescribe all such regulations and to enforce the observance of same by ordinances fixing civil penalties for all breaches of said regulations.

(45) Have the right to prescribe by ordinance the control and use of electricity; to create fire districts, and prescribe the character of buildings in any section of the city; to create a fire department and prescribe regulations for its operation and protection; to require of owners of property to get permits before building or remodeling any structures, or installing electricity, water or sewerage, or making changes in any of same now installed; to prevent anyone from doing work in constructing or repairing any water pipes or connections, electricity or connections, sewerage or any connection, or plumbing, without having first obtained from the City a license to do such work or the occupations desired within the city limits. Authority is also given to pass all necessary resolutions to enforce the above, and to prescribe by ordinance civil penalties for the breach of any such regulations.

(46) Have the right to elect a City Attorney for the City of Ripley, whose term of office shall end when the term of office of the Mayor and Aldermen electing ends, or for such shorter term as the Mayor and Aldermen desire, and to fix and pay his salary; and in such election a member of the Mayor and Aldermen acting may be elected as such City Attorney, and whose duties and salary shall be fixed by the Mayor and Aldermen by resolution or ordinance; or the Mayor and Aldermen may not elect a City Attorney if they wish, and are authorized to select and employ and contract and pay attorneys for any special business or advice for the City whose services are needed, and may select and contract with any attorney who is a member of the Mayor and Aldermen, or may contract with other attorneys.

(47) Have the right and authority to manufacture and sell electricity and furnish same to individuals, firms and corporations located without as well as within the limits of the municipality, and prescribe regulations for all such, and to make contracts for all such, and to prescribe by ordinance fines and punishment for all violations of such.

Section 16. The Mayor and Aldermen may make all proper and necessary contracts for corporate purposes and uses, which shall be made in the name of the corporation, and signed by the Mayor and Recorder. No person shall have power to create any liability against the corporation except by express authority of the Mayor and Aldermen, conferred at a meeting duly and regularly convened.

Section 17. No money shall be drawn from the treasury by anyone except upon an order drawn and signed by the Mayor and countersigned by the Recorder, but no such order shall issue except by direct authority of the Mayor and Aldermen conferred at a meeting duly and regularly convened. The order shall show for what purpose the

money is paid. The Recorder shall keep a record book, properly ruled, showing the number of orders issued, date of issuance, to whom issued, amount and on what account issued, in which he shall make a record of all orders issued and note on the face of the order the fact of the record of same.

Section 18. The City of Ripley, in Lauderdale County, Tennessee, by and through its Mayor and Aldermen, shall have the power and authority by resolution to borrow money from time to time and issue interest-bearing notes or certificates of indebtedness therefor to temporarily finance the running expenses of the schools of the city; the building of streets, culverts and bridges within the corporate limits of the city; to make necessary repairs and additions to same; to purchase and equip a suitable fire department; to repair and enlarge the present light and water plants, and pay the running expenses of the same or make other internal improvements in anticipation of taxes levied but uncollected; provided, however, that said notes or certificates of indebtedness shall not be issued unless and until a resolution authorizing the same has been passed or adopted by the Board of Mayor and Aldermen of said City of Ripley, Tennessee.

(a) The City of Ripley is hereby authorized to repair and enlarge the gas department, including services, mains, and equipment, and to pay the running expenses of the same.

(b) The City of Ripley is hereby authorized to borrow money and issue notes in anticipation of Federal and State grants.

(c) The City of Ripley is hereby authorized to issue notes and execute deed of trust for purchase of property for industrial parks, recreation parks, and purchase of property to carry on municipal functions.

(d) The temporary notes or certificates of indebtedness hereby authorized to be issued shall be signed by the Mayor and countersigned by the Recorder-Treasurer, and have the seal of the city attached.

(e) Such temporary notes or certificates of indebtedness, and the interest thereon, shall be the absolute, direct, binding general obligations of the City of Ripley, Tennessee, and shall be paid out of the taxes collected for the various funds for which said money is borrowed, and said notes, warrants or certificates of indebtedness when issued shall be exempt from State, county and municipal taxation in Tennessee.

Section 19. That the title to all property, real and personal, purchased by the corporation, shall be conveyed to the Mayor and Recorder, by name, in their official capacity, for the use and benefit of the Mayor and Aldermen, and by them, on behalf of the corporation, shall the title to property sold by the corporation be conveyed, the said Mayor and Recorder signing the deed or writings in their official capacity and under the seal of the corporation.

Section 20.

(a) The Mayor and Aldermen are authorized and empowered to sell, transfer and convey, the electric lighting plant and system, the waterworks plant

and system or either of the same, either as a whole or separately, now owned and operated by said City of Ripley.

(b) The Mayor and Aldermen shall have full power and authority to sell and convey said electric lighting and system, said waterworks plant and system, or either of the same, now owned and operated by said City of Ripley, upon such terms and conditions, as in their judgment they deem best.

(c) The sale of said electric lighting plant, waterworks plant or either of the same, may be made by the Mayor and Aldermen privately or at public sale.

#### Section 21.

(a) That property subject to taxation shall be assessed and listed for taxation in the name of the owner, or reputed owner, alphabetically for the entire city, and if real estate, giving the number of the lot, or some description that will be sufficient to identify it. In estimating the value of the property, the assessor shall be guided by the assessment laws of the State of Tennessee. Merchants and privileges shall be taxed, and taxes on same collected as may be provided by corporate ordinances. The assessments books shall be made out and completed by the first day of October of the year for which the assessment was made, and delivered by said time to the City Recorder, who shall proceed at once to make out the tax books and shall collect the said taxes on such due dates as prescribed by ordinance. The date on which taxes shall become delinquent and the subject penalty and interest therefor shall additionally be prescribed by ordinance, provided, however, that the Mayor and Aldermen may elect to extend the delinquency date for a subject year as they, in their discretion, deem appropriate.

(b) The City Recorder shall enforce the collection of delinquent taxes as provided by the statutes of the State of Tennessee, and as directed by the Mayor and Aldermen. If the Recorder fails to collect taxes as the Mayor and Aldermen may prescribe, or fails to promptly enforce the collection of said taxes, some other officer of the City or person shall be appointed by the Mayor and Aldermen to discharge said duties.

(c) The Mayor and Aldermen are authorized and empowered to employ counsel and to file a bill in the Chancery Court of Lauderdale County to enforce the lien of said taxes on the property of the respective owners by a sale of the said property for the payment of such delinquent taxes and costs of collection, pursuant to the statutes of the State of Tennessee; and in said suit any or all of such delinquents may be joined in one bill and the lien enforced in said suit upon each owner's property separately for the collection of taxes and costs, and such joining of any or all of said parties in one suit shall not make the suit multifarious nor be any defense to the maintenance of said suit for the collection of such delinquent.

Section 22. The Recorder may issue and sign distress warrants and alias and pluries distress warrants to collect taxes on merchants and privileges directed to the chief of police, or he may sue for and recover the same in the nature of an action of debt before some judge of competent jurisdiction. The tax shall become due and payable on

the day the party commences business, and shall be for twelve (12) months, unless the party elects to take out a license for a shorter time. The Mayor may also issue distress warrants against delinquents to collect taxes upon application of the chief of police, and against parties who are not delinquents who may be about to move out of the corporation or the county, or are fraudulently or about fraudulently to dispose of their property, upon the affidavit of the chief of police. Said warrant shall be directed to the City chief of police and executed by him. Said distress warrants in the hands of said officers will give him the same power and subject them to the same liabilities as in the case of executions.

Section 23. The obligations of official bonds and the appearance bonds herein mentioned shall be joint and several, and any one or all of the parties to any one of said bonds may be sued for breach thereof before any judge of competent jurisdiction having jurisdiction of the amount claimed or sued for or before the Circuit Court.

Section 24. The officers created by this Act and authorized to be created, shall be paid such fees and salaries or compensation as the Mayor and Aldermen may provide for by ordinance, unless otherwise provided for by this Act.

Section 25. The police authority of the corporation and its officers shall extend one mile beyond its corporate limits in every direction to prevent and suppress fighting, quarreling, loud cursing or swearing, or other unnecessary noise, rude or boisterous conduct, disorderly assemblies or meetings and disturbances; and for these purposes the Board may enact such ordinances as may be necessary to carry out the object and meaning of this section; and the chief of police shall have the same power, privilege and right without warrant in hand to arrest any offenders against said ordinances anywhere in the corporate limits or within one mile of the corporation lines when the offense has been committed in the chief of police's presence or near enough for him to see or hear it committed, and with warrant in hand to arrest such offenders anywhere in the county.

Section 26. All the public buildings, squares, streets, promenades, highways and alleys within said City of Ripley are hereby transferred to the custody and control of the said corporation, to remain public property for the uses to which said property has been hitherto applied.

Section 27. In any suit pending in any of the courts of law or equity of this State at the time of the repealing of the old charter of Ripley, in which the Board of Mayor and Aldermen of said city, or the City of Ripley, was a quasi-party, or a party complainant, or party defendant, the same may, on motion, be revived by or against the present City of Ripley, or the Board, as incorporated by this Act, and any suit so revived may be prosecuted to termination.

Section 28. This Act is declared to be a public law, and may be read in evidence in all courts of tax or equity without special proof of same.

Section 29. All parties who have been engaged in the sale of intoxicating liquors within the City of Ripley, who have already paid State, county and corporation taxes for the purpose of selling, retailing and tippling spirituous, vinous and malt liquors, and have procured a license for the exercise of said privilege, and whose licenses have not expired, shall be allowed ninety days from the passage of this Act to close out their business as liquor dealers, or until their license shall expire. Provided, it shall not be

longer than ninety days from the passage of this Act, and that all such parties having paid the privilege tax and procured a license before the passage of this Act and during the existence of the former charter of incorporation of the said City of Ripley, shall not be liable to criminal prosecution, but shall be allowed to continue their business as heretofore under their license until the same expires, if not longer than ninety days from the passage of this Act.

Section 30. If any section, subsection, paragraph, sentence or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this Charter unless it appears that such other parts are necessarily dependent upon the part or parts held to be invalid or unconstitutional. It is the legislative intent in enacting this Charter that each section, subsection, paragraph, sentence or part be enacted separately or independently of one another.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Ripley. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of the City of Ripley and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.

**PASSED: May 25, 2006**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 27<sup>th</sup> day of June 2006**

  
PHIL BREDESEN, GOVERNOR